

minimis amount of the project, that is, for any such incidental components up to a limit of no more than 5 percent of the total cost of the materials used in and incorporated into a project.

Recipients who wish to use this waiver should in consultation with their contractors determine the items to be covered by this waiver. They must retain relevant documentation as to those items in their project files, including the types and/or categories of items to which this waiver is applied, the total cost of incidental components covered by the waiver for each type or category, and the calculations by which they determined the total cost of materials used in and incorporated into the project.

In using this waiver, recipients should consider that all sanitation facilities construction projects by definition require the expenditure of a certain amount of project funds on the literal “nuts and bolts”-type components whose origins cannot readily be identified prior to procurement. The IHS has determined the 5 percent limit based on the previously mentioned EPA inquiries, its 50-year experience constructing sanitation facilities for American Indian and Alaska Native communities, and informed professional engineering judgment as to the maximum total amount of incidental goods used in most sanitation facilities construction projects. In a few, exceptional cases, recipients using this waiver may have multiple types of low-cost components which, when combined and in conjunction with those literal “nuts and bolts”-type components, may total more than 5 percent. Recipients in such cases will have to choose which of these incidental components will be covered by the waiver and which will not, and will document the type and amount of such items covered. Components which the recipient is unable to include within the 5 percent limit of this waiver must comply with the requirements of section 1605 by appropriate means other than coverage under this waiver.

Further, as described above, in some cases projects are jointly funded by IHS and the EPA. Both the IHS and the EPA have issued de minimis waivers that have a cap of a total of 5 percent of the total cost of the materials used in and incorporated into a project. In the case of a jointly funded project, these waivers shall not be combined to create a waiver of greater than 5 percent of total project costs.

This supplementary information constitutes the “detailed written justification” required by Section 1605(c) of ARRA and Section 176.80 of

OMB’s rules for waivers of the Buy American provisions.

Authority: Public Law 111–5, Section 1605.

FOR FURTHER INFORMATION CONTACT: Ms. Betty Gould, Regulations Officer, 801 Thompson Avenue, TMP, Suite 450, Rockville, MD 20852–1627; call non-toll free (301) 443–7899; send via facsimile to (301) 443–9879; or send your e-mail requests, comments, and return address to: Betty.Gould@ihs.gov.

Dated: June 9, 2010.

Yvette Roubideaux,
Director, Indian Health Service.

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2010–0020]

Debris Contracting Guidance, RP 9580.201

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice of availability; request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) is accepting comments on Recovery Fact Sheet RP9580.201 *Debris Contracting Guidance*.

DATES: Comments must be received by July 15, 2010.

ADDRESSES: Comments must be identified by docket ID FEMA–2010–0020 and may be submitted by one of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. Please note that this proposed policy is not a rulemaking and the Federal Rulemaking Portal is being utilized only as a mechanism for receiving comments.

Mail: Regulation & Policy Team, Office of Chief Counsel, Federal Emergency Management Agency, Room 835, 500 C Street, SW., Washington, DC 20472–3100.

FOR FURTHER INFORMATION CONTACT: Byron Mason, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202–646–4368.

SUPPLEMENTARY INFORMATION

I. Public Participation

Instructions: All submissions received must include the agency name and docket ID. Regardless of the method

used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice, which can be viewed by clicking on the “Privacy Notice” link in the footer of www.regulations.gov.

You may submit your comments and material by the methods specified in the **ADDRESSES** section above. Please submit your comments and any supporting material by only one means to avoid the receipt and review of duplicate submissions.

Docket: The proposed fact sheet is available in docket ID FEMA–2010–0020. For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal at <http://www.regulations.gov> and search for the docket ID. Submitted comments may also be inspected at FEMA, Office of Chief Counsel, Room 835, 500 C Street, SW., Washington, DC 20472.

II. Background

This fact sheet assists Public Assistance applicants with meeting procurement requirements set forth in 44 CFR Part 13, as well as other eligibility requirements, when procuring debris removal and monitoring contracts.

FEMA seeks comment on the proposed fact sheet, which is available online at <http://www.regulations.gov> in docket ID FEMA–2010–0020. Based on the comments received, FEMA may make appropriate revisions to the proposed policy. Although FEMA will consider any comments received in the drafting of the final policy, FEMA will not provide a response to comments document. When or if FEMA issues a final policy, FEMA will publish a notice of availability in the **Federal Register** and make the final policy available at <http://www.regulations.gov>.

Authority: 42 U.S.C. 5121–5207; 44 CFR parts 13 and 206.

David J. Kaufman,

Director, Office of Policy and Program Analysis, Federal Emergency Management Agency.

[FR Doc. 2010–14289 Filed 6–14–10; 8:45 am]

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